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## 5 Attorneys for Defendant **LINDA PARKS**

1 UNITED STATES OF AMERICA and  
2 THE STATE OF CALIFORNIA, *ex rel.*  
SHELBY EIDSON,

### 3 Plaintiffs,

4 VS.

5 AURORA LAS ENCINAS, LLC,  
6 LINDA PARKS, SIGNATURE  
7 HEALTHCARE SERVICES LLC, and  
DOES 1 through 10, jointly and  
severally.

### Defendants.

CASE NO.: 2:10-cv-1031 JAK (RZx)  
(Hon. John A. Kronstadt)

**DECLARATION OF PATRIC  
HOOPER IN OPPOSITION TO  
RELATOR'S *EX PARTE*  
APPLICATION TO MODIFY THE  
SCHEDULING ORDER**

Discovery Cut-Off: March 15, 2013  
Pretrial Conference: July 10, 2013  
Trial Date: July 25, 2013

20 I, Patric Hooper, declare as follows:

1. I am the attorney of record for Defendant Linda Parks in this matter. I  
know the facts stated herein to be true of my own personal knowledge and if called  
upon to testify could and would do so competently.

24        2. I learned for the first time on March 7, 2013, of the Relator's *Ex Parte*  
25 application to modify the scheduling order when I received notice from the court of  
26 the electronic filing of the application. Contrary to the requirements of Local Rule  
27 7-19.1, I was given no notice prior to that time by Relator's Counsel. Had I been  
28 given such notice, I would have strenuously objected to the application and

1 presumably Relator's counsel would have informed the Court of the opposition in  
2 her declaration in support of the application. I was also under the impression that  
3 the Court would be issuing an order regarding the timing of the filing of any  
4 opposition to the application. Because I have not yet received such an order and  
5 because I do not want my silence to be deemed to be consent to the application, I am  
6 now filing this declaration.

7       3. This case has been pending for more than three years. Before the filing  
8 of the suit, the Relator had been "investigating" the matter for a number of years.  
9 During the time the case was under seal, the Relator presumably had the assistance  
10 of the substantial resources of the federal and state governments to obtain  
11 information. Since the government opted not to intervene and the Relator has been  
12 the plaintiff, she has had more than two years to conduct formal discovery.  
13 Notwithstanding all this time and resources, the Relator waited until the eve of the  
14 discovery cutoff to conduct depositions. For example, she deposed Ms. Parks last  
15 Saturday, March 9, 2013, from noon to about 9 pm. – more than three years after she  
16 sued Ms. Parks.

17       4. As the Court is aware, Ms. Parks remains the only natural defendant in  
18 this case – the other two defendants being artificial entities. Since the suit was made  
19 public and before, the Relator's malicious allegations against Ms. Parks have caused  
20 substantial harm to Ms. Parks' professional reputation and emotional well being.  
21 Now, the Relator wants to delay even further Ms. Parks' opportunity to be heard  
22 concerning the allegations by extending the previously scheduled dates, including  
23 the date of trial. This is especially egregious because Ms. Parks contends the case  
24 against her must be dismissed for the reasons stated in her two pending motions set  
25 to be heard on April 8, 2013. The jurisdictional motion has been bolstered by the  
26 recent depositions in which Relator's counsel had relied almost entirely upon  
27 previously published government survey reports to question witnesses and parties to  
28 try to support her allegations against the defendants. Such reliance further

1 highlights the Relator's lack of personal, independent knowledge of the allegations  
 2 in her complaint.

3       5. The Relator now wants to bootstrap the allegations she previously  
 4 heard from other sources contained in her existing action to "fish" for new  
 5 allegations by requesting the disclosure of hundreds of more patient records.  
 6 Incidentally, her request for production of additional records expressly precludes  
 7 giving Ms. Parks the identity of the patients and the records, further depriving Ms.  
 8 Parks of her opportunity to review evidence being relied upon by the Relator. *See*  
 9 Page 3 of Relator's Request for Production, set two, lines 14-17.

10       6. As support for her application, the Relator asserts that the initial phase  
 11 of the discovery "Substantiates Worthless Services Claims." Memorandum at page  
 12 4. While now is not the time to address the merits of the allegations, not  
 13 surprisingly, Ms. Parks views the situation quite differently. As pointed out  
 14 repeatedly, in this false claims action, the Relator has yet to identify a single false  
 15 claim involving allegedly worthless services. Instead, as she has done from the  
 16 outset, she refers repeatedly to government reports which describe incidents  
 17 involving certain patients. As has been pointed out before, notwithstanding these  
 18 fully inspected incidents, which had been timely reported by the Hospital, itself, the  
 19 government programs never stopped paying the Hospital for any of the services it  
 20 rendered during the entire period at issue and continuing to the present. The fact of  
 21 the matter is that the Relator has established nothing in the way of false claims.  
 22 And, even her own mother, who worked at the hospital during Ms. Parks' tenure,  
 23 failed to support her reckless allegation of worthless services during her recent  
 24 deposition. For example, when asked at her March 1, 2013 deposition whether  
 25 during her six years at the hospital she knew of any situation where worthless  
 26 services had been rendered to any patient at the hospital, she responded, over the  
 27 objection of her counsel, "My Goodness – No." Cabrera Deposition, page 50, lines  
 28 4 -11.

1 I declare under penalty of perjury under the laws of the United States that the  
2 foregoing is true and correct.

3 Executed this 14th day of March, 2013, in Los Angeles, California.

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5 PATRIC HOOPER  
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and **not a party to this**  
4 **action.** I am employed in the County of Los Angeles, State of California. My  
5 business address is 1875 Century Park East, Suite 1600, Los Angeles, California  
6 90067-2517.

7 On March 14, 2013, I served true copies of the following document(s)  
8 described as **DECLARATION OF PATRIC HOOPER IN OPPOSITION TO**  
9 **RELATOR'S EX PARTE APPLICATION TO MODIFY THE SCHEDULING**  
10 **ORDER** on the interested parties in this action as follows:

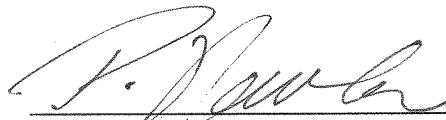
11 **SEE ATTACHED SERVICE LIST**

12 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed  
13 to the persons at the addresses listed in the Service List and placed the envelope for  
14 collection and mailing, following our ordinary business practices. I am readily  
15 familiar with Hooper, Lundy & Bookman, P.C.'s practice for collecting and  
16 processing correspondence for mailing. On the same day that the correspondence is  
17 placed for collection and mailing, it is deposited in the ordinary course of business  
18 with the United States Postal Service, in a sealed envelope with postage fully  
19 prepaid.

20 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the  
21 document(s) with the Clerk of the Court by using the CM/ECF system. Participants  
22 in the case who are registered CM/ECF users will be served by the CM/ECF system.  
23 Participants in the case who are not registered CM/ECF users will be served by mail  
24 or by other means permitted by the court rules.

25 I declare under penalty of perjury under the laws of the United States of  
26 America that the foregoing is true and correct and that I am employed in the office  
27 of a member of the bar of this Court at whose direction the service was made.

28 Executed on March 14, 2013, at Los Angeles, California.



29 Patti Newler

**SERVICE LIST**  
**UNITED STATES OF AMERICA, *ex rel.*, SHELBY EIDSON vs.**  
**AURORA LAS ENCINAS, LLC, *et al.***  
**Case No. 2:10-cv-1031 JAK (RZX)**

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*Via U.S. Mail*